

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

MATTHEW PETRONE, and
GREGORY ANDERSON, individually
and on behalf of all others similarly
situated,

Case No. 3:24-CV-00928

Plaintiffs,

Hon. William L. Campbell, Jr.

v.

METROPOLIS TECHNOLOGIES INC.,

Defendant.

***PETRONE PLAINTIFF’S RESPONSE TO
ALHINDI ORDER RE: CONSOLIDATION (ECF. NO. 36)***

Plaintiffs Matthew Petrone and Gregory Anderson (“Plaintiffs”) and Brendan Appel (who filed a related case in the Central District of California – *Appel v. Metropolis Technologies, Inc.*, Case No. 2:24-cv-05477-SPG-MAR – that has since been dismissed with the intention of joining the *Petrone* matter) submit the foregoing response to the October 18, 2024 order in *Alhindi v. Metropolis Technologies, Inc.*, Case No. 3:24-cv-00748 (ECF. No. 36) (the “Order”). The Order directed the *Alhindi* Parties to “jointly file a notice stating whether they seek consolidation for all purposes, including class certification and trial, and whether Plaintiff Alhindi [would] file a single consolidated complaint with the [*Petrone* Plaintiffs].” ECF 36.

Counsel for Plaintiffs met and conferred with Plaintiff Alhindi’s counsel on October 29, 2024, and were informed that Plaintiff Alhindi would not seek consolidation for all purposes. It is also Plaintiffs’ understanding that Defendant does not believe a consolidated complaint is appropriate. Plaintiffs respectfully disagree and submit that consolidation for all purposes, and

filing of a consolidated complaint is appropriate. In particular, there are great efficiencies in consolidation for all purposes because the complaints in each case assert identical facts, the same cause of action [violation of the Driver's Privacy Protection Act, 1 U.S.C. § 2721, *et seq.* ("DPPA")], and the proposed classes are identical. Failure to consolidate for all purposes would create significant inefficiencies. For example, Defendant has filed separate, but functionally identical, motions to dismiss the complaints in the cases. Resolution of the motions would require duplicative briefing that serves no purpose but to strain the Court's resources. To that end, Plaintiffs respectfully request that the Court set a briefing schedule for Plaintiffs to file a motion to consolidate and a motion for appointment of interim class counsel.

Dated: October 31, 2024

Respectfully submitted,

BURSOR & FISHER, P.A.

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